

294.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-16068-2019

Date of decision:24.07.2019

VIVEK KUMAR CHOUDHARY AND ORS

... Petitioners

versus

STATE OF HARYANA AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ajay Kalra, Advocate,
for the petitioners.

Ms. Priyanka Sadar, AAG, Haryana,
for respondent No.1.

Mr. A.P.S. Rana, Advocate, for
Mr. Lalit Kumar, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Petitioners have filed the present petition under Section 482 Cr.P.C. for quashing F.I.R. No.0029 dated 22.06.2017 registered under Sections 498A, 406, 506, 323, 377 of IPC at Mahila Police Station Panchkula, District Panchkula (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of settlement agreement dated 08.03.2019 (Annexure P-3) so entered into between the parties before the Mediation and Conciliation Centre of this Court.

Counsel for the petitioners has argued that earlier the petitioners had filed a petition seeking quashing of FIR on merits in CRM-M-28209-2018, but during the intervening period, the matter had been resolved

between them and, therefore, the present petition has been filed for quashing of FIR on the basis of compromise.

Respondent No.2-complainant is present in person, who has been identified by the counsel for respondent No.2. Counsel, on her instructions, states that the parties have entered into compromise and they have no serious objection in case the FIR in question is quashed on the basis of settlement. He further states that when the accused approached this Court for grant of anticipatory bail, this Court had directed the petitioners to deposit a sum of Rs.2 lakhs with the trial Court and that money is lying with the trial Court which forms part of the compromise. Therefore, the petitioners be directed to cooperate respondent No.2-complainant so as to get the said amount released in her favour.

Counsel for the petitioners, on instructions from petitioner No.1-Vivek Kumar Choudhary, who is present in the Court, fairly states that the petitioner shall extend all possible assistance to the respondent and would facilitate her to withdraw the said amount.

I have heard counsel for the parties.

Considering the fact that the matter has been settled between the matter, no useful purpose would be served to continue with the proceedings in the instant FIR.

Hon'ble Supreme Court in ***Gold Quest International Private Limited Versus State of Tamil Nadu and others-2014 (4) RCR (Criminal) 206*** has held that the disputes which are substantially matrimonial in nature, or the civil property disputes with criminal facets, if the parties have entered into settlement, and it has become clear that there are no chances of

482 Cr.P.C. read with Article 226 of the Constitution.

Thus, following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*** as also in the light of ***Gold Quest International Private Limited's case (supra)***, this petition is allowed and F.I.R. No.0029 dated 22.06.2017 registered under Sections 498A, 406, 506, 323, 377 of IPC at Mahila Police Station Panchkula, District Panchkula (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/settlement agreement dated 08.03.2019 (Annexure P-3).

However, the petitioners are directed to get the amount deposited with the trial Court released in favour of respondent No.2 and shall not create any impediment for early release of that amount.

Virtually the present is a matrimonial dispute and since the matter has been settled between the parties, it shall have no adverse bearing on the parties.

The parties shall adhere to the terms and conditions of the settlement and any party violates the same would be amenable to contempt.

(HARI PAL VERMA)
JUDGE

24.07.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No